IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.6408/07
Dinesh Chand Vs. MACT, Gangapurcity & Anr.

23.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Rajneesh Gupta for petitioner.

The petitioner has filed this writ petition with the prayer that the order passed by the MACT, Gangapurcity dated 16.4.2007 be set aside and the respondent bank may be directed to release the amount of Rs.60,000/- lying in Fixed Deposit with it pursuance to the award dated 2.12.2005 passed by the aforesaid Tribunal. He has argued that since the amount has already been deposited by the Insurance Company / owner, therefore, they are concerned with the fact that the amount of FDR is withdrawn prior to its maturity. The leaned

counsel submitted that petitioner needs the aforesaid amount because he has to repay the loan amount he he borrowed from his friends and relatives in arranging marriage of his two daughters. He is a major person and therefore even if the Tribunal originally directed for deposit of the said amount in the FDR, he can legitimately ask for withdrawal of that amount even before its maturity.

Having heard the learned counsel for the petitioner and perused the material on record, I consider it appropriate that the petitioner who is major and when he requires the money for repayment of his debts, the Tribunal was not justified in only partially accepting his prayer for granting payment of only Rs.15,000/- out of the total payable amount of Rs.75,000/-. The petitioner being a major, unlike in the

other cases where investment is made in the name of minors for their welfare, payment of the FDR cannot be denied to the petitioner more particularly when he requires the amount for repayment of his debts which was one of the reason for his filing the claim petition.

In the facts of the case, the petition is allowed and it is directed that the entire amount of the aforesaid FDR kept with the respondent bank for the sum of Rs.60,000/- shall be paid together with interest to the petitioner within two weeks from the date the certified copy of this order is produced before the said bank.

(Mohammad Rafiq),J.

Rs/-